



March 28, 2003

ENGROSSED SENATE BILL No. 318

DIGEST OF SB 318 (Updated March 27, 2003 9:54 AM - DI 75)

Citations Affected: IC 3-5; IC 3-8; IC 3-11.

Synopsis: Miscellaneous election law matters. Redefines the length of the chute. Requires a candidate to indicate on a declaration of candidacy which option the candidate is using to determine party affiliation. Authorizes a county to use an electronic voting system for voting by absentee ballot in the office of the circuit court clerk.

Effective: July 1, 2003.

Hershman

(HOUSE SPONSORS — KROMKOWSKI, THOMPSON)

January 15, 2003, read first time and referred to Committee on Elections and Civic Affairs.
January 28, 2003, amended, reported favorably — Do Pass.
February 3, 2003, read second time, ordered engrossed. Engrossed.
February 4, 2003, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

March 4, 2003, read first time and referred to Committee on Elections and Apportionment.
March 27, 2003, reported — Do Pass.

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ES 318—LS 7456/DI 75+



March 28, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

ENGROSSED SENATE BILL No. 318

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-5-2-10 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2003]: Sec. 10. "Chute" means the area or
3 pathway that extends fifty (50) feet in length, measured from the
4 **position where the poll worker closest to the door or entrance to the**
5 **polls is stationed by the inspector. If the property line of the polling**
6 **place is less than fifty (50) feet from the door or entrance to the**
7 **polling place, the chute is measured from the exterior door or**
8 **entrance to the polling place to one-half (1/2) the distance to the**
9 **property line of the polling place.** Whenever there are two (2) or
10 more doors or entrances to the polls, ~~the chute shall be measured from~~
11 ~~the inspector of the precinct shall designate one (1) door or entrance~~
12 ~~that the inspector of the precinct designates as the door~~ for voters to
13 enter for the purpose of voting.

14 SECTION 2. IC 3-8-2-7, AS AMENDED BY P.L.199-2001,
15 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2003]: Sec. 7. (a) The declaration of each candidate required
17 by this chapter must be signed before a person authorized to administer

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oaths and contain the following information:

(1) The candidate's name, printed or typewritten as:

(A) the candidate wants the candidate's name to appear on the ballot; and

(B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.

(2) A statement that the candidate is a registered voter and the location of the candidate's precinct and township (or ward and city or town), county, and state.

(3) The candidate's complete residence address, and if the candidate's mailing address is different from the residence address, the mailing address.

(4) A statement of the candidate's party affiliation. For purposes of this subdivision, a candidate is considered to be affiliated with a political party only if any of the following applies:

(A) The most recent primary election in which the candidate voted was a primary election held by the party with which the candidate claims affiliation.

(B) The candidate has never voted in a primary election and claims a party affiliation.

(C) The county chairman of:

(i) the political party with which the candidate claims affiliation; and

(ii) the county in which the candidate resides;

certifies that the candidate is a member of the political party.

The declaration of candidacy must inform candidates how party affiliation is determined under this subdivision and permit the candidate to indicate on the declaration of candidacy which of clauses (A), (B), or (C) applies to the candidate. If a candidate claims party affiliation under clause (C), the candidate must attach to the candidate's declaration of candidacy the written certification of the county chairman required by clause (C).

(5) A statement that the candidate complies with all requirements under the laws of Indiana to be a candidate for the above named office, including any applicable residency requirements, and that the candidate is not ineligible to be a candidate due to a criminal conviction that would prohibit the candidate from serving in the office.

(6) A request that the candidate's name be placed on the official primary ballot of that party to be voted on, the office for which the candidate is declaring, and the date of the primary election.



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(7) A statement that the candidate:

(A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and

(B) agrees to comply with the provisions of IC 3-9.

The candidate must separately sign the statement required by this subdivision.

(8) A statement as to whether the candidate has been a candidate for state or local office in a previous primary or general election and whether the candidate has filed all reports required by IC 3-9-5-10 for all previous candidacies.

(9) If the candidate is subject to IC 3-9-1-5, a statement that the candidate has filed a campaign finance statement of organization for the candidate's principal committee or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date to file the declaration of candidacy under section 11 of this chapter.

(10) The candidate's signature.

(b) The commission shall provide that the form of a declaration of candidacy includes the following information near the separate signature required by subsection (a)(7):

(1) The dates for filing campaign finance reports under IC 3-9.

(2) The penalties for late filing of campaign finance reports under IC 3-9.

(c) A declaration of candidacy must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of candidacy. If there is a difference between the name on the candidate's declaration of candidacy and the name on the candidate's voter registration record, the officer with whom the declaration of candidacy is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's declaration of candidacy.

SECTION 3. IC 3-11-3-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 24. The inspector of each precinct shall have the cards required by section 22 of this chapter posted as follows:

(1) One (1) of each card in each place or compartment provided for the preparation of ballots.

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(2) One (1) of each card at or close to the outer end of the chute.
~~but not closer than fifty (50) feet from the polls.~~

(3) At least three (3) of each card in and about the polls.

SECTION 4. IC 3-11-8-7 IS AMENDED TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2003]: Sec. 7. In preparing the polls for an
 election, the county executive shall:

(1) have placed within the room a railing separating the part of the
 room to be occupied by the precinct election board from that part
 of the room to be occupied by the voting machines, ballot card
 voting systems, electronic voting systems, and the three (3) or
 more booths or compartments for marking paper ballots,
 whenever either or two (2) of these voting systems are used;

(2) ensure that the portion of the room set apart for the precinct
 election board includes a door at which each voter appears for
 challenge; and

(3) provide a chute with a railing, rope, or wire on each side,
 beginning ~~fifty (50) feet~~ **a distance equal to the length of the
 chute (as defined in IC 3-5-2-10)** away from and leading to the
 door for challenge and to the room in which the election is held.

SECTION 5. IC 3-11-8-16, AS AMENDED BY P.L.38-1999,
 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 JULY 1, 2003]: Sec. 16. Challengers appointed under IC 3-6-7 are
 entitled to stand at the sides of the chute next to the entrance to the
 polls, as provided in IC 3-6-7-2. No other person may remain within
~~fifty (50) feet~~ **a distance equal to the length of the chute (as defined
 in IC 3-5-2-10)** of the entrance to the polls except for the purpose of
 offering to vote.

SECTION 6. IC 3-11-10-26.2 IS ADDED TO THE INDIANA
 CODE AS A NEW SECTION TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2003]: Sec. 26.2. (a) A:

(1) county election board; or

(2) board of elections and registration;

may adopt a resolution to authorize the circuit court clerk to use
 an electronic voting system for voting by absentee ballot in the
 office of the circuit court clerk.

(b) A resolution adopted under this section must be adopted by
 the unanimous vote of the board's entire membership.

(c) A resolution adopted under this section must provide
 procedures to secure absentee votes cast on an electronic voting
 system that provide protection comparable to the protection
 provided to absentee votes cast by paper ballot.

(d) A resolution adopted under this section may contain other



1 provisions the board considers useful.

2 (e) If a resolution is adopted under this section, the circuit court
3 clerk may use as many electronic voting machines for recording
4 absentee votes as the clerk considers necessary, subject to the
5 resolution adopted by the board.

6 (f) Notwithstanding any other law, an absentee ballot voted on
7 an electronic voting system under this section is not required to
8 bear the seal, signature, and initials prescribed by section 27 of this
9 chapter.

10 (g) If a resolution is adopted under this section, the procedure
11 for casting an absentee ballot on an electronic voting system must,
12 except as provided in this section, be substantially the same as the
13 procedure for casting an absentee ballot in the office of the circuit
14 court clerk under section 26 of this chapter.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Elections and Civic Affairs, to which was referred Senate Bill No. 318, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 13, delete "The statement".

Page 2, delete lines 14 through 16.

Page 2, line 17, delete "how party affiliation was determined.".

Page 2, between lines 29 and 30, begin a new line block indented and insert:

"The declaration of candidacy must inform candidates how party affiliation is determined under this subdivision and permit the candidate to indicate on the declaration of candidacy which of clauses (A), (B), or (C) applies to the candidate. If a candidate claims party affiliation under clause (C), the candidate must attach to the candidate's declaration of candidacy the written certification of the county chairman required by clause (C)."

Page 4, after line 23, begin a new paragraph and insert:

"SECTION 5. IC 3-11-10-26.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 26.2. (a) A:

(1) county election board; or

(2) board of elections and registration;

may adopt a resolution to authorize the circuit court clerk to use an electronic voting system for voting by absentee ballot in the office of the circuit court clerk.

(b) A resolution adopted under this section must be adopted by the unanimous vote of the board's entire membership.

(c) A resolution adopted under this section must provide procedures to secure absentee votes cast on an electronic voting system that provide protection comparable to the protection provided to absentee votes cast by paper ballot.

(d) A resolution adopted under this section may contain other provisions the board considers useful.

(e) If a resolution is adopted under this section, the circuit court clerk may use as many electronic voting machines for recording absentee votes as the clerk considers necessary, subject to the resolution adopted by the board.

(f) Notwithstanding any other law, an absentee ballot voted on an electronic voting system under this section is not required to

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bear the seal, signature, and initials prescribed by section 27 of this chapter.

(g) If a resolution is adopted under this section, the procedure for casting an absentee ballot on an electronic voting system must, except as provided in this section, be substantially the same as the procedure for casting an absentee ballot in the office of the circuit court clerk under section 26 of this chapter."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 318 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 10, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Senate Bill 318, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

MAHERN, Chair

Committee Vote: yeas 12, nays 0.

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